App. F. IX-4

This file must be preserved permanently on account of the importance of St. 18. 19/2/29

Previous References 192/ (Law)

File No. 63-27

Serial Nos. 1–27

Later References

Law 95-28, 1-18

Law 32-30 (1-4)

Law 165-32-1-9

Src. 8-39-5-14

Law 372-55-(1-36)

General and Revenue Secretariat.

Serial Nos. 27.

Part B for Feby 1929

SUBJECT

Case against messrs Berndt & Leonens Limited

To M.G.C. Gooding with Letter, Serial No. PWD 2798 31.1.29

Informs that The Govt are not prepared to waive any Concession beyond reducing interest to 6%.

5.1.29

2.2.29.

Case against Berriedale & Comers

G.R.S. III—3]

File 63/Law

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

1) From the Govt. Advocate Calcutta No. 775/ on file & 16-4-28 to the Genl. Secy. to Govt. states that action in respect of bring a suit against Messrs Brink and Comers, whose Govt pleader at Calcutta may be entrusted to Law Secy and returns the file of Papers.

Submitted for perusal.

Orders requested as to whether the Govt. pleader at Calcutta should be addressed for the purpose of getting a suit filed against the Co.

Shella.
21/4/28

2) Secy) 23/

Apr 23/4

3) Write a letter to Govt Solicitor as to Customs Suit

Draft submitted.
BM
24.4.28

Secy)

Apr 26/4

4) Appd.
26/4

Issue Apr 27/4

Govt
BM
25/7/28

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Serial 2) To, The Govt Solicitor, Calcutta
No: P6628 Dated 28/4/28
requesting intimation of his terms
for the engagement

Serial 3) From G. C. Gooding Esq
Solicitor to the Govt of Bengal
No: 448 dated Calcutta 3rd May 1928

Informs that he can act only as a
member of the firm of Sanderson & Co
and that the charges will be on the same
scale as those charged to clients & that
it is impossible to estimate in precise
detail the probable amount of the cost
of the Suit - He also suggests that if
the claim is pressed there, a Suit may
become unnecessary - ~~If not~~

If approved, the Solicitor will be
requested to press the claim by means
of a notice to Messrs Bernard & Conners.

Submitted
DPM
9.5.28
9/5/28

Legy) 9/5
6) Yes
9/5

Draft of a letter to G. C. Gooding Esq
is submitted pending

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

DPM
11.5.28
11/5/28

Legy) 12/5
7) Appd
12/5

Serial (10)

12/5

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Serial 5
+6

8) Letter from C. C. Goodwin Esq, Govt Solicitor Calcutta No: 50.2. dated 15th may 1928 informs that he will take steps to send the usual letter of demand prior to the suit & that the charges for it will not be more than Rs 16/- in charge of the statutory allowance. As regards the costs of the suit, he is of opinion that it may not amount to more than Rs 500 per book. Further report may be awaited.

Submitted.
DMP
26/5/28.

9) Yes
SH
26/5

Sd
26/5

putd with letter No 578 of 29/5/28 sent from the grazing Colony.
MR
29/5/28

10) The Solicitor may perhaps be asked to file a suit as he thinks advisable this course. It is not clear why interest should not also be claimed. The notice sent by the Asst Advocate interest at 9 p.c was claimed.
MR
29/5

Secy)

11) Send to J. P. C with compliments for expressing his opinion in the usual office
SH

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on

STAFF, STORES DEPOT
10377.
6. JUN 1928
BANGALORE

Send the file back
SH
31/5

G.R.S. III—3]

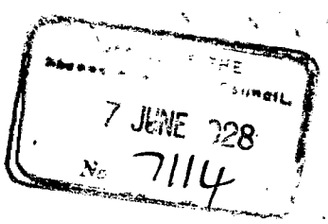
D·10377

Routine Notes.

[To be used only for notes, ... etc., ... intended for permanent record.]

12) The firm has been asking to have to pay from the very commencement of the Correspondence and so far there has been no indication of the willingness to pay and no useful purpose will be served by delaying the institution of the suit. The Govt. Solicitor of Bengal may be instructed accordingly

President) 6/6



13) I agree

9/6/28

Legal Remembr) 9/6/28.

14) Instruct Govt Sol to file a suit. It is necessary to furnish him funds. Please find out the sum necessary in the first instance

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Draft to Govt. Solicitor Calcutta Submitted

Secy) 11/6

15)

6/D.1

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Serial 8)

Letter from Mr. G. C. Gooding, Solicitor Calcutta No: 625 dated 22nd June'28. acknowledging receipt of the files of papers relating to the claim against Bernier & Cemens - Calcutta -

16) The Solicitor states that he has issued the firm a final notice & that in case the payment is not made within the course of two or three days, he would send this office a Power of attorney -

The file relating to this subject is sent to the Stores Purchase Committee unofficially.

Submitted for perusal. Further report from the Solicitor may be awaited.

28/6/28 L.R.) 28/6

17) Yes 30/6

2/7/28

Serial 9) Letter from G. C. Gooding, Solicitor No: 648 dated 30th June 1928..

18) The Solicitor sends a draft of a Power of attorney to be executed by post - He also requires Rs 300/- to cover Counsel's fees & other disbursements

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

5 ~ 8 21

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The Stores Purchase Committee may be requested to place the funds required at the disposal of the Solicitor—

19) The power of attorney has perhaps to be executed by the Chief Secretary, ~~Govt~~ if the plaintiff is to be the Govt of Mysore—But if it is the Stores Purchase Committee then it has to be executed by the Secretary to the Committee.

Submitted for orders
Secy)
4/7/28
MR
SMPR

5/7

20) Chief Secretary has to execute the power of attorney which has to be prepared by G.A.

21) Govt Advocate may please draft a power of attorney & forward to Secy.

SR
5/7

22) Forwarded with Compliments to the Govt. Advocate.

By order
Mr. Secy to Govt
Law Dept

5/7/28

L. C. No. P 66 & 27 5/6 July 28.

GOVT. ADVOCATE'S OFFICE.
- 6 JUL 1928
BANGALORE.

Govt Advocate
6.7.28

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

U. O. No. 2/28-29
dt 7.7.1928

23) Here is already a draft power of attorney prepared and sent by the Solicitors. It is quite suitable and may be adopted.

Asst Secy
Govt Advocate
6/7/28

Secy) 7/7

24) May be typed on a Br. Indian stamp paper of requisite value & get it signed by the Chief Secy.

8-7
9.7.
7/7
9/7

25) A The Stores Purchase Committee may be requested to buy & send a British Indian Stamp paper of the value of Rs 7.8.0 which is the fee prescribed for a power of attorney under the Indian Stamp Act as made applicable to Bengal.

26) ~~Submitted~~ B. The Solicitor also requires Rs 300/- to cover for Counsel's fee etc. The Committee has to place the amount at the disposal of the Solicitor.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

~~DDP~~ 10/7/28

Submitted for orders
DDP
10/7/28

27) Secy Stores Purchase Committee

This with the rent, & stamp, to the Secy. S.P.C. for necessary action & Rs. 300/- in Secy's [illegible]

20 The Secretary Stores Purchase Committee, for compliance— 10/7

G. R. S. III—3]

ROUTINE NOTES

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(35) Submitted.

The Stores Purchase Committee have not taken any action as regards the Stamp paper for executing the Power of attorney. Reference is invited to Paras 24 and 25 (marked A). This file has therefore to be sent again to the S. P. Committee — DOP — for necessary action

21-7-28

DOP 21/7

Secy S. P. Committee with Compts

21/7

Rs. 7 as. 8 - Sent per Memo.

THE SECRETARY, STORES PURCHASE COMMITTEE 314. 23 JUL 1928 BANGALORE

(36) A Memo for Rs 7-8-0 for the purchase of the Stamp paper in the name of the Chief Secy. is sent herewith

DP 23/7.

Legal Remb^r).

(37) The stamp paper itself may be purchased and sent, as requested at para 25.

DOP 23/7/28

(38) The British Indian Stamp paper of the value of Rs. 7/8/- is enclosed.

JF 23/7

N B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

CHIEF SECRETARY. 25 JULY 1928

(39) The power may kindly be signed before the City Magistrate who may be asked to Cooperate

Chief Secy with Compts 24.7

(40) Attested to & released with Compts Secy 25/7

8-1-29/7

G. R. S. III—5

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

(1) Draft of a letter to Mr. Gooding, Govt Solicitor, Calcutta, forwarding to him the Power of attorney sent up for approval.

DM
26.7.28

(2) Appd. Write to Comptr to remit the amount.
8/
28/7.
28/7

Submitted.

(3) In G.O. No. G.827-S/G.M.30-26-46 dated 18th July 1928, the Comptroller has been requested to remit the amount direct to Mr. Gooding. May the Draft of the letter to Mr. Gooding which is approved by the Secretary issue?

DM
27/7

Hays
27/7

To G.C. Gooding Esqr.
Solicitor to Govt of Bengal
Calcutta

(Serial 101

D.O.P. 686 D. 27-7-28 W.C.

Re the Power of attorney executed by the Chief Secy

Sus P
DOP
3/8/28

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

WD 1660—GPE—1,50,000—25.21

8

6.07

G. R. S. II.

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

(Serial 11)

Letter No: P.B/774 dated 1st August 1928 from Mr. E. Goosling.

(44) The firm of Messrs Berrick & Comeni is reported to have paid Rs 1500/- to Mr. Goosling on 31-7-28 and the Solicitor says that he has intimated to the firm that unless the balance is paid in course of the week, he would file Suit without further notice.

This may be sent to the Stores Purchase Committee for perusal & return - further steps the Solicitor may be awaited.

Prof 8/8/28

(45) For information

A.C.S/8 Secy, S.P. Committee, with Compts

(46) For kind perusal

President) - 8/8

(47) Noted 9/8/28

Legal Remembr) 9.8.28

See Prof 11/8

THE SECRETARY, STORES PURCHASE COMMITTEE
1449
9 AUG. 1928
BANGALORE

FI... 1928
No. 953

N. B.— Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

W D 1860—GPB—1,50 000—2-5-21

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Telegram from "Kestood" Calcutta.
dated 13 August 1928.

"Please send Copy Document authorising Chief Secretary to sue on behalf of Maharajah under section Eighty five Civil Procedure Code".

(1) Sec 84 C.P.C of British India enables a foreign State to sue in any Court of British India; and under sec 87 a Sovereign Prince or ruling Chief may sue in the name of his State. ~~Sec 85~~ Under sec 85 the Govt of India may appoint a persons at the request of any Sovereign Prince or ruling chief, to be the recognised agent of such Prince or chief. In 19 All 510 (Maharajah of Bhartpore v Kachoru), it has been held that this provision in sec 85 does not limit in any way the right of a Prince to appoint a recognised agent under order 3 rule 2 by means of a general Power of attorney. ~~otherwise~~

(2) In this case the Chief Secretary

N. B.—Should routine notes be written on small slips the notes must be pasted, or slips pasted on this form.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

has given a power of attorney in favour of Messrs Goodwin & Sheo Solicitors of Calcutta. Mr Gooding now wants a copy of the document authorising Chief Secy to sue on behalf of H.H. under sec 85 of CPC (Act V of 1908)

(50) No special appointment of a Receiver agent in the case of the Seems to have been made by the Govt of India under Sec 85 -

If now for the purpose of this suit against Messrs Bennett & Coman, the Chief Secy has to be appointed as a Receiver agent under sec 85, the Govt of India has to be approached through the Resident

However a general power of attorney from the Head of the State, namely H.H. the Maharaja is sufficient as ruled in 19 All. 510, such a power has to be executed by H.H. and sent to the Solicitors at Calcutta -

(51) This seems to be necessary & the Residency may be addressed separately in the matter. M

(52) For the purpose of the present case a power of attorney as suggested under Order III Rule 2 C.P.C. seems sufficient. M

Dft 14/8/28

(53) It does not appear that any other course is possible. M 5/8

Secy)

(54) The provisions contained in Sec 85 C.P.C do not override the provision contained in Order III Rule 2 C.P.C by which any party to any suit or proceeding may appoint an agent to conduct M

N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

A Special power of attorney may be executed in favour of the Chief Sect by H. H. in this case & sent the same to the Solicitors at Calcutta as required by them.

2105
21/8

(55) If approved, a fair draft of the power of attorney will be engrossed in a proper stamp paper will be submitted for the signature of H. H.

Chief Sect
with Compts

8/8
16/8

(56) Ch Sec't intimates that the course suggested at A may be followed.

Put up a draft above

8/8
16/8
Draft
20/8

CHIEF SECRETARY.
17 AUG 1928

draft put up
20/8/28

fair draft
20/8

(57) A draft is put up

20/8

(58) Draft may be approved.

20/8

Draft appd. (can intimate approval to Solicitors) 22/8

Draft submitted
22/8

ISSUE & RESUBMIT.

N.B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

G. R. S. 111—3

ROUTINE NOTES

[To be used only for notes, requisitions, etc., not intended for permanent record]

Serial (5) Letter No: G/P.B/815 dated 13th augt 1928 from Mr. C.C. Gooding Solicitor to the Govt of Bengal

(60) The Solicitor sends a receipt for Rs 300/- received by him from the Comptroller.

(61) He confirms the telegram dated 13th august sent by him requiring the document authorising the Chief Secy. to sue on behalf of H.H. under Sec 85 C.P.C (Act V of 1908).

(62) The file relating to this has been sent to the Chief Secretary with the opinion of the Law Secretary thereon -

(63) Pending finial orders thereon a draft reply acknowledging the telegram & the letter is put for approval.

MM 18/8/28. Secy) 18/8

(64) App 8/8 1875 Secy

Serial 14) To G.C. Gooding Esqr No. G/P.B/186 D 10.8.28. States that the matter is engaging the attention of Govt & a reply will be sent in a few days.

MM 18/8/28

N. B.—Should routine notes be written on small slips, the notes must de copied, or slips pasted on this form.

WD 1650—GPB—1,50 000—2 5 21

Lahi 5305 '27

Case against Bruce & Cowie

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

To

The Secretary to the Resident

No: Pol 224 of 22-8-28

Requests that the post of India may be moved to issue necessary orders to enable the Chief Secy to be treated by virtue of his office, as the recognised agent of H.H. the Maharaja in such limits by the Courts in British India under sec 85 of the Code of Civil Procedure —

Draft of an interim reply to the Solicitor is put up for approval.

Secy)

(66) appd

24.8

Letter No L/1/0/ 25-8-28 to Mr G. C. Gooding informing him that the Residency has been moved in the matter

N. B.—Should routine notes be written on small slips the notes must b cipoed, or slips pasted on this form.

8 H7

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Telephone message

To Sir Pro. Sec.
for kind information
& disposal pls
10 Aug 27/8/28

The Registrar
Resident's office
B'lore

The Registrar
Secretariat
Mysore Govt - Bangalore.

Kindly refer to letter No: Pol 224 B dated 22nd Aug: 1928 from the secretary to the Govt: of Mysore, Law departments with regard to the question of the Chief Secretary representing His Highness the Maharaja in Suits in British India. would you Kindly let me know whether this is the first time such a request has been made. 27.8.28

...us to be the first time that such a request has been made.

DPG
27.8.28

Reply as follows:

27/8/28

(68) "No request appears to have been made ever before re the Chief Secretary representing H.H. the Maharaja in suits in British Indian Courts in which the Mysore Govt is a party."

for an order.
under S. 85,
Civil Pro Code

27/8/28

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

G. R. S. III—3]

1946.

ROUTINE NOTES.

To be used only for notes, requisitions, etc., not intended for permanent record]

Letter No G/pp/L 892 dated 29th August 1928 from Mr. G.C Grading —

(69) It is stated that the High Court close for vacation on 15-9-28 & reopens on 26-11-28 — the suit against means Bennett Coleman & Co Ltd will have to be filed only after the reopening of the Court & by which time, perhaps the Govt of India will have ordered the appointment of the Chairman as a recognised agent under Sec 85 C.P.C.

Submitted

Prof 6.9.28

(70) The suit will not be out time if filed in Nov. after the Govt of India may be contacted

Secy 6/9

(71) 7/9

Law 7/9

Sec Bom 7.9.28

N. B. Should routine notes be written on small slips, the notes must de copied, or slips pasted on this form..

D 1860—GPB—1,50,000—2 5-21

G.R.S. III—3]

1406/1928

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D 1256

From

The Secy to the Resident
No 9027 R 24/9/28

Forwarding
copy of the certificate
granted by the Govt
of India enforcement
the Chief Secy to
Govt to prosecute
or defend Suits on
behalf of the Secretary
Govt in any of
the Civil Courts in
British India.

Sd

(72) This has been
noted and may be
transferred to
Proh Political Branch
to which it belongs

Dr 26/9

Govt

Private Secy

26/9

26/9

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Law 63 of 27

Case of Smt. Bernice & Comers

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(73) Mr. Gooding, Solicitor Calcutta wrote 29-8-28 that the suit would have to be filed only on the re-opening of the High Court of Calcutta i.e. on 26th Nov. 1928.

346/29/9

(74) May the copy of the certificate received from the Residency be sent to Mr. Gooding now also?

Dsp 27.9.28

(75) Yes. Please put up a draft.

Law 27/9

Draft put up.

Dsp 29.9.28

(76) 3rd Member)

(77)

To G. C. Gooding Esqr
Solicitor to the Court of
Bengal, Calcutta

Ref 2003 dt. 1.10.28

Regarding copy of the Certificate granted by the Court of India under section 85 of the Code of civil procedure empowering the chief Secy to the Govt of Bihar to prosecute or defend suits on behalf of H.H. the Maharaja in any of the civil Courts in Br India

19)

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Letter no. 1010 dated 4/10 from Messrs. Goodrich & Co. Ltd. Calcutta re. Income Tax case under Sec. 5 C.I.P. Act

(78) The balance of the amount has not yet been paid by the firm. The Solicitor wants to say that he is ~~taking steps~~ threatening to take steps.

Further communication may be awaited

PM
8/10/28

(79) In the mean time the sum of Rs/5000 paid by the firm may be deposited in some Bank in Calcutta with which the Messrs Beat is in account. Send for orders as to whether the Solicitor may be requested to do so after ascertaining the name of the Bank from the Head-Asst. of the Company's Dept.

3rd Minute

3923
10/10

N.B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

(80) Yes - I do not see any other requisites which makes
4/10
11/10

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(81) The Supdt
Comptroller's Office
Compliments, for favor of early reply. Books Section, with

No: 1. Is there any Bank at Calcutta with which the Imperial Govt is in account - A sum of Rs. 1500 received by Mr G. C. Gooding Solicitor on behalf of the Stores Purchase Committee from Messrs Benckt & Comeens is to be deposited pending the final settlement of the claim -

2 How can this be best arranged?

Supdt. H. Scott.
22/10/1928

1. No.

(82) 2. The amount may be credited with the Imperial Bank Calcutta, with Stores Deposit account with the Imperial Bk, Bhore. The Bank may, perhaps, charge some Commn.

H. Scott 26/10/28
Supdt-
Bank Rs.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

C 176/3 pt. 2.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Draft of a letter to the Comptroller, for approval.

BM
11.10.24

MM 12/10 (83) For favour of furnishing the information required.

M. 12/10

M. Scott)

R 1366
D 15/10/24

(84) I think we have got accounts with the Imperial Bank Bangalore, which arranges all transactions between that Indent Accountant General & the Comptroller's Office.

yes. Sir.

MM 21/10

(85) Vide the Routine Note placed below, wherein the reply of the Comptroller's office on the point is contained

BSM 27/10/24

Pt. 2. Bn

MM 27/10

Draft accepted.

M 28/10

Draft put up for approval.

BM 28/10

Lacy)

M 28/10

Sir. MM 28/10

28/10

28/10

28/10

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

R.S. III—8]

Routine Notes.

[To be used for notes, requisitions, etc., not intended for permanent record.]

Letter 160 dated 12 [illegible]

from Comptroller-

Requests information as to what the matter is in regard to recovery of amounts due to Stores Purchase Committee from Messrs Benson & Emmens

Hands — Draft/Paterson

Dop 8/11/28

Hands 8/11

24)

Hands 8/11

Letter No: 1058 from Mr. G.C. Gooding informing that he has credited Rs 1500/- to the Imperial Bank as instructed in this Office letter P102/Kau of the 30th Oct'28.

(87) — Submitted for perusal

Dop 14/11/28

Hands 14/11

Sus Dop 15/11

14/11

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Law 63 of 1927
Case against Messrs Berwick and Comeau

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(88) Draft of a letter to Mr. G. C. Gooding requesting him to report what has been done in the case put up for approval

Issue
17/1

17/1/29
17/1

P 3711 d 18.1.29
25) To Mr G C Gooding: Enquire what steps have been taken in the case

26) Letter No: 98 dated 18.1.29 from Mr. G.C. Gooding intimating that a decree by consent for Rs 1,980-12-7 with costs on scale No 1 & interest at 6% has been obtained against the firm & that the Jutt debtors have approached him for a compromise & soliciting instructions in the matter—

(89) Secy's note on the P.U.D "what is this about".

The Stores Purchase Committee Supplies to the firm of messrs Berwick & Comeau Calcutta certain stock of Tool Steel on account of which, the said firm owed the Govt of Mysore a sum of about £ 230/- Since they failed to

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Routine Notes.

To be used only for notes requisitions, etc., not intended for permanent record.]

pay, in spite of demands, Mr Goodwin Government Solicitor, Bengal, was instructed to take legal proceedings. On the issue of a notice through the said Solicitor, the firm paid Rs 1500/- on 31-7-1928 & as soon as the High Court of Calcutta reopened in Nov^r, a suit was filed by the Solicitor for the balance which, it is now reported has resulted a decree by consent for Rs 1,980-12-7 with costs etc.

The Solicitor also reports that the firm have approached him for time to pay the decree amount by instalments of Rs 250/- per month and also to be excused interest calculated at 9% included in the decree, which amount is said to come to Rs 394-11-9 on 30th Nov^r '28 (perhaps the date of filing suit) The Solicitor thinks that if the defence firm had not consented to a decree, the Court perhaps would have allowed only 6% and wants instructions as to execution or otherwise

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

3217/P

Law 63 of 1927
Case against Berrick and Conrans

G. R. S. III—5]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

This file may perhaps be sent to the Stores Purchase Committee for favour of an early expression of opinion regarding the terms proposed by the firm to the Solicitor—

DMP
24.1.29
DMP 24/1

L.R.)
24/1

~~Forwarded~~

Forwarded with Govt Secretary, Stores Purchase Committee for favour of opinion in the matter

Dharmadwaya
24.1.29

U. Ono P. 105-28
24-1-29

Two requisitions have been made by the firm viz (1) Payment of the decretal amount in monthly instalments of 250/- (2) waiving of interest upto the filing of the suit.

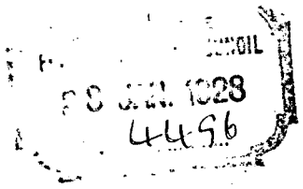
The firm has treated us very badly in the matter of payment. Even the Belgium Consul, who has, they know we cannot about making any payments. There is no guara

N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended f[illegible]



N. B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

Case agst Berwick and Comers

App. F. III—2]

General and Revenue Secretariat | Law File No. 63 of 1927.

Serial No.

Draft to our C.C. Gooding Esquire.

MMJ 30.1.29 (L. R.)

30/1

Issue as slightly revised

P. 30/1

To, C. C. Gooding Esq.

P 4027/Law 63-27. dated 31.1.29

Informing him that the Govt are not prepared to show any concession beyond reducing interest to 6% from date of decree & if the JD do not pay the full amount soon, the decree may be executed & the realisations credited to Imperial Bank of India at Calcutta.

B MMJ 1.2.29

Copy of the certificate received with it is has been detached and sent to P.P. Bilaire in connection with Mr A. C. Pain's case (Law 15-36) as instructed by the Law Asst Secy:

8/6

NOTE—Contn. sheet

WD 021—GPB—30,000—21-8-28

5763 R&C 27

In reply please refer to
No. 773/2.28.

Tel. Address:—
"JURIST," Bangalore.

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore....16th.....April.....192 8.

GENERAL BRANCH 17 APR. 1928

FROM

K. SHANKARANARAYANA RAO, ESQ, M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The General Secretary to the Government
of His Highness the Maharaja of Mysore,
BANGALORE.

SIR,

With reference to Government Order No. G.11141-3/G.M. 30-26-45 dated the 29th March 1928 authorizing me to take necessary action for getting a suit filed against Messrs. Beruk & Comens, through the Government Pleader at Calcutta, I have the honor to state that this matter can be more conveniently and expeditiously dealt with by the Law Secretary to Government to whom the matter may be entrusted. The nature of the case is such that terms will have to be fixed with the Government Pleader at Calcutta and arrangements made for payment of his fees and costs. A matter of this kind will also involve a good deal of correspondence with the departmental officers concerned. Further, there is no provision in the Rules for the conduct of the Legal affairs of Government, for such legal work to be conducted elsewhere, being done by me, nor is there any provision for paying me any remuneration for services of this kind.

The file of papers received with the Order of Government under reference are herewith returned.

I have the honor to be,
Sir,
Your most obedient servant,

K. Shankaranarayana Rao

GOVERNMENT ADVOCATE.

A. P. F. VI. G[illegible]

SUBJECT.....

.....

.....

Section Law

File No. 63.27

Serial No. 2

No. 6628

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To The Government Solicitor
Calcutta

Date of issue 28/4/28

Signed by M BN

Sir,

The stores Purchase Committee of the Government of Mysore supplied to the firm of Messrs Berrick & Comens, 30 Strand Road, Calcutta, certain stocks of Tool steel, on account of which the said firm owe the Committee a sum of about £ 230/- and inspite of repeated demands ~~they have not paid the~~ account and and notice,

List of enclosures.....

Copied by .....

Examined by .....

over

by the Government advocate here,
the firm at Calcutta have
failed to pay the amount.
It has consequently become
necessary to ~~~~ take
legal proceedings in Calcutta against the firm
& I am to request you to kindly intimate
~~would like to know~~
your terms for the engagement.
On hearing from you, I shall
have the necessary papers etc. will be sent.

Yours faithfully
Idare etc

Sd
Legal Remembrancer & Secretary to Govt
Law Deptt.

Typed.
24.6.18
Dy 26/4

458
p827

No. 448.

FROM

G. C. GOODING, ESQ.,

Solicitor to the Government of Bengal.

Law 6597-3

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department,
Bangalore.

Calcutta, dated the 3rd May *19* 28.

SIR,

I have the honour to acknowledge the receipt of your letter No.6628/Law dated the 28th April 1928 regarding the claim by His Highness's Government against Messrs Beruck & Comens, Calcutta.

My charges, in such matters, ~~are~~ or rather those of my firm of Sanderson & Co., for I shall not be able to act in my official capacity, will be on the same scale as those charged to clients and it is impossible to estimate in greater detail at the present stage the probable amount of the cost of the suit. It is quite possible, of course, that if the claim is pressed here, a suit may be unnecessary.

I have the honour to be,

Sir,

Your most obedient servant,

Solr. to the Govt. of Bengal.

Solicitor, Govt. of Bengal, 1
A.C.J.P.—A1770—1927-28—1,200

FROM

C. GOODING, Esq.

Solicitor to the Government of Bengal.

Law 63 27 5

To

The Secretary to the Govt. of His Highness
the Maharajah of Mysore,
Law Department,
Bangalore.

Calcutta, dated the 18th May *19* 28.

SIR,

I have the honour to acknowledge the receipt of your letter No.6906 dated the 15th May 1928 and its accompanying enclosures in connection with the claim against Messrs. Beruck & Comens.

I will at once take steps through my firm to send the usual letter of demand preparatory to the institution of a suit, but I will await your further instructions before proceeding. My firm's charges in connection with the letter of demand will be merely those ordinarily charged for such correspondence and if nothing transpires, should not amount to more than Rs.16/- inclusive of the statutory allowance.

As regards the costs of a suit, it is practically impossible to state definitely the probable costs ofthe suit. From the facts stated in the accompanying notices, the case appears to be one of a simple contract easily proved and in that case the services of a junior Counsel should be sufficient and the costs including Counsel's fees and our own charges should not, unless complications occur, amount to more than Rs.500/- or Rs.600/- and presumably costs will be awarded against the Defendant. This only an estimate on the assumption that no complications

Solicitor, Govt. of Bengal, I.
A.C.J.P.—A 1770—1927-28—1,200

complications will arise and assuming that the necessary evidence from Mysore can be readily given in Calcutta without the expense of a commission.

In the event of proceedings a Power of Attorney to ourselves will be necessary, but we will deal with these details later in case it is decided to proceed.

I have the honour to be,

Sir,

Your most obedient servant,

Solr. to the Govt. of Bengal.

No. 578.

FROM

G. C. GOODING, ESQ.,

Solicitor to the Government of Bengal.

Law 63-27/6

To

The Secretary to the Govt. of His Highness
The Maharajah of Mysore,
Law Department,
Bangalore.

Calcutta, dated the 23rd May *19* 28.

SIR,

Beruck & Comens.

I have the honour to refer to my letter No. 502 dated the 18th instant. I enclose a copy of the letter of demand we sent to Messrs. Beruck & Comens and the subsequent correspondence. I do not think any useful purpose will be served by continuing correspondence with the firm, but I feel convinced that the actual filing of the suit and the service of the Writ will produce the desired results. I should mention no institution fees are payable in the High Court, and if the service of the Writ resulted in obtaining payment, the expenses incurred including Counsel's fee for drawing the Plaint would be slight.

I did not mention interest in my letter of demand as unless there is a definite agreement to pay interest, the claim for interest cannot be pressed and I am wished, if possible, to extract an unqualified acknowledgment of the debt which I have done.

I have the honour to be,

Sir,

Your most obedient servant,

Solr. to the Govt. of Bengal.

Solicitor, Govt. of Bengal, 1.
A.C.J.P.—A 1770—1927-28—1,200

(Copy)

18th May 1928.

Messrs. Beruck & Comens,
30 Strand Road,
Calcutta.

Dear Sirs,

We have received instructions from the Government of Mysore to address you regarding certain outstanding Bills against your firm for certain materials supplied in 1926. Details of the claims are set out in two letters from the Government Advocate in Mysore to you dated the 27th April and 2nd/4th August 1927 and we need not therefore on this occasion enter into detail with regard to the claims. The two claims are for £.212-19-3 and £.16-17-8¼. Unless payment of this amount is made to us in full on or before Friday next, the 25th instant, such proceedings will be instituted for the recovery of the amount as the Mysore Government may be advised without further reference to you.

Yours faithfully,
sd. Sanderson & Co.

(Copy)

23rd May 1938.

Messrs. Beruck & Comens,
2 Lyons Range,
Calcutta.

Dear Sirs,

We are in receipt of your letter of the 21st instant in which you ask for time time until the end of July to settle the claims preferred on behalf of the Government of Mysore. We have no instructions to grant time and the matter must proceed.

Yours faithfully,
sd. Sanderson & Co

A. P. F. VI. G1]

SUBJECT.....

.....

.....

Section Law

File No. 63.27

Serial No. 7

No. P. 7230 Civil file - Law

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 15/6/28

Signed by Jw R.S.

To G.C. Gooding Esqr
Solicitor to the Government of
Bengal, Calcutta.

Sir,

With reference to your letter No: 518 dated 23rd may 1928, ~~Sir~~ regarding an claim against ~~Messrs~~ ~~to instruct you to~~ Messrs Berners & Comens, I am directed to write to request you to ~~sue~~ kindly file suit against the firm and have the writ served. Kindly let me know the amount you require for the purpose. The ~~files~~ papers connected with this claim are herewith ~~forwarded~~ sent to you for perusal and return. ~~to you facilitate the filing of the suit.~~ On receipt from you I have to

List of enclosures.....

Copied by .....

Examined by .....

over

WD 0325—GPB—30,000—26-5-27

Legal Remembrancer.

as in
~~[illegible]~~ amount you require
for the purpose, necessary
funds will be placed at
your disposal.

Yours &c

!

Regd Remembrancer
& Secy to Govt
[illegible] Delhi.

11/4/28

List of papers in the file.

Notes from page 10 to 34 (both inclusive).

Letter No. 8612 dated 18-2-1926 to Beruck & Comens, enquiring whether they could take over the tool steel supplied by the Associated Manufacturing Co

Letter dated 22-2-1926 from Beruck & Comens calling for list of the stock with an analysis of the steel.

Letter No. 8890 dated 26th February 1926 to Berruck & Comens furnishing the information called for above.

Letter ~~No. 9743~~ dated 16-3-26 from Beruck & Comens requesting to despatch the materials.

Letter No. 9743 dated 22-3-26 requesting Parry & Co., to consign the material to Beruck & Comens.

Letter dated 31st March 1926 from Parry & Co., furnishing weights of 11 bars and 1 case of 15 bits of steel under transmission to Beruck & Comens.

Copy of the letter dated 6-4-26 from Parry & Co., to Berruck & Comens advising the despatch of R/R for 11 bars and one case of 15 bits of tool steel.

Letter No. 10210 dated 12-4-26 to Beruck & Comens requesting to furnish the weights of each kind of steel taken over by them.

Letter dated 19-4-26 from Beruck & Comens acknowledging the receipt of the material.

Letter No. 10499 dated 22-4-26 to Beruck & Comens requesting an early reply for the letter of 12-4-26.

Letter No. 11276 dated 12-5-26 to Beruck & Comens. Reminder on the above.

Letter dated 17-5-1926 from Beruck & Comens acknowledging the receipt of the material and furnishing the weights thereof.

Letter No. 11568 dated 31-5-26 to Parry & Co., to send
Beruck & Comens for £ 212-19-3.

Copy of letter dated 9-6-26 from Parry & Co., to Beruck & Comens forwarding the bill for £ 212-19-3.

Letter No. 12316 dated 17-6-26 requesting Beruck & Comens to arrange for payment to M/s. Associated Mfg. Co., through their Antwerp Office.

Letter No. 584 dated 28th July 1926 requesting Beruck & Comens to intimate the rate at which they would take over the cut bits and also to arrange for payment of the Bill.

Letter No. 1450 dated 21-8-26, reminder on the above.
" 2078 " 13-9-26 do.
" 2452 " 24-9-26 do.

Registered letter No.3060 dated 27-10-26 to Beruck & Comens to make immediate payment and to intimate at what rate they would pay for the cut bits.

Letter No. 3610 dated 16-11-26 requesting the Consul General for Belgium to induce Beruck & Comens to arrange for payment etc.,

Letter No. 5218 dated 28-1-27 to Beruck & Comens requesting to adjust the ~~payment~~ amount of £ 212-19-3 and to intimate the rate at which they would pay for the cut bits.

Registered letter 68-70 dt 21-3-27 to Beruck & Comens asking them to make immediate payments etc!

Copy of letter no 8810 8/22-6-27 ✓ Stat. ✓ ✓

~~gistered letter 6570 dated 21-3-27 from the Government Advocate~~
o Beruck & Comens issuing a notice that legal steps would be taken to recover the money if arrangement for immediate payment is not ma

etter dated 19-5-27 from Beruck & Comens advising that they have arranged for payment up to £91-19-2 by draft.

etter 8691 dated 23-5-27 to Beruck & Comens requesting them to cancel the draft as payment in full has been arranged to Messrs. Associated Mfg. Co., and requesting to make full payment of the bill to the Committee.

elegram dated 25-5-27 from Beruck & Comens requesting to send a copy of letter 6570 and to intimate the telegraphic address of M/s. Associated Manufacturing Co.,

etter No. 8812 dated 26-5-27 to Beruck & Comens furnishing the information called for above.

etter dated 26-5-27 and 27-5-27 from Beruck & Comens acknowledging our telegram asking them to cancel their draft to M/s. Associated Manufacturing Co., and also acknowledging our letter giving them the telegraphic address of the Brussel Firm.

Letter dated 30-5-27 from Beruck & Comens acknowledging our letter dated 26-5-27, and asking us to show them some more patience in the adjustment of our dues.

Letter No. 9037 dated 4-6-27 to Beruck & Comens to make immediate payment.

Statement of amount due from Beruck & Comens viz., £ 16-17-8¼ on account of cut bits.

Copy of final notice No. 90 dated 4-8-27 from the Government Advocate to Beruck & Comens.

Letter No. 4195 dated 21-10-27 to Beruck & Comens requesting to send their draft for £ 91-19-2 and to intimate when they would arrange for the payment of balance amount.

Letter 4974 dated 9-11-27 to Consul General for Belgium stating the facts of the case and requesting him to induce the firm to send the above draft and to return the unutilized material.

Letter dated 16-11-27 from Consul General for Belgium giving an extract of the firm's letter stating that they would remit the money by the end of November 1927.

Letter No. 6267 dated 17-12-27 to Beruck & Comens, referring to their letter to the Consul General for Belgium and enquiring when they would arrange for the payment as promised in their letter.

Letter No. 6974 dated 20-~~12-27~~ 1-28 to Consul General for Belgium stating that Beruck & Comens have neither arranged for the payment nor responded to our above letter and requesting him to kindly see that the firm pay up the dues £ 212-19-2 together with the cost of the cut bits of tool steel.

Letter dated 20-2-28 from the Consul General for Belgium stating that Messrs. Beruck & Comens are not in earnest to settle the account.

========

TD

6137
P.

No. 825.

FROM

G. C. GOODING, Esq.,

Solicitor to the Government of Bengal.

Law 63-2/-8

To

The Secretary to the Govt. of H.H. the
Maharajah of Mysore,
Law Department,
Bangalore.

Calcutta, dated the 22nd June *19* 28.

SIR,

Beruck & Comens.

I have the honour to acknowledge the receipt of your letter No.7230 dated the 15th June 1928 and the accompanying file in connection with this claim. I have given the firm a final notice that I am proceeding without further reference to them, and if payment is not made in the course of the next two or three days, I will send you a form of Power of Attorney which we shall require before we are able to file the suit.

I have the honour to be,

Sir,

Your most obedient servant,

Solr. to the Govt. of Bengal.

No. 648.

FROM

G. C. GOODING, ESQ.,

Solicitor to the Government of Bengal.

Leg: 63.27.9

To

The Secretary to the Govt. of H.H. the
Maharajah of Mysore,
Law Department,
Bangalore.

Calcutta, dated the 30th June *19*28.

I have the honour to say that on receipt of your letter No.7230 (Law) dated the 15th June 1928 I again addressed Messrs. Beruck & Comens with a letter of demand, but have received no reply. I am accordingly arranging to file a suit. I enclose a draft of the necessary Power of Attorney in favour of my firm which you will be so good as to complete and have engrossed and signed and on its return I shall be in a position to file the suit. I am not sure who will be the actual grantor of the Power, but you have doubtless a precedent for this.

Will you also be so good as to send a cheque for Rs.300/- to cover Counsel's fees and other disbursements.

I have the honour to be,

Sir,

Your most obedient servant,

Solr. to the Govt. of Bengal.

KNOW ALL MEN by these presents that I, N. Madhava Rao, (Government of Mysore) Chief Secy to the Govt of Mysore H. Maharaja of Mysore do hereby appoint: GEORGE CALLENDER GOODING, SHIRLEY SAMUEL HODSON, ERNEST CUTHBERTSON ESSON, HUGH CAREY MORGAN and RICHARD WHISTON MARTELL members of the firm of Sanderson and Company Solicitors of 26 Dalhousie Square, Calcutta jointly and each of them severally their attorneys and attorney in their name or in the name of the said N. Madhava Rao, Ch. Secy, to Govt of Mysore and on their behalf to do or execute all or any of the acts and things hereinafter mentioned:-

1. TO receive and give effectual receipts and discharges for all and any moneys which shall come to the hands of the said attorneys or attorney by virtue of the powers herein contained which receipts (whether given in the name of the said N.M. or in the names or name of the said attorneys or attorney) shall discharge the person or persons or corporation paying such moneys.

2. To commence prosecute enforce defend answer or oppose all suits and other legal proceedings and demands brought against Messrs Berwick & Company of Calcutta by the said or against the said by the said Berwick & Company and also if thought fit to compromise refer to arbitration abandon submit to judgment or

become non-suited in any such suit or proceeding as aforesaid.

3. TO sign all such warrants of attorney, vakalatnamahs plaints written statements petitions tabular statements and other documents and proceedings necessary for any such suits or proceedings aforesaid and to employ and engage counsel solicitors pleaders or vakils in connection with any such proceedings.

4. AND generally to execute and do all instruments acts and things in relation to the premises fully and effectually in all respects.

5. FROM time to time to appoint and remove at pleasure any substitutes or substitute as attorneys or agents attorney or agent under or instead of them or him in respect of all or any of the matters aforesaid upon such terms and remuneration as they or he shall think fit.

IN WITNESS whereof, I the said Chief Secretary ~~to the Govt of Mysore~~ Resident at Bangalore to the Govt of Mysore Karchenet. Resident ~~and~~ have hereunto set my hand & seal this day the —— July 1928.

immediate
Issued

25th July 8.

Dear Mr. Sadasiva Rao,

I shall be obliged if you can kindly come round here sometime before 5 P.M. to-day, as there a Power of Attorney on behalf of Government which I should sign before you.

Yours sincerely.

M. Sadasiva Rao, Esqr., B.A., B.L.,
City Magistrate, Bangalore.

A. P. F. VI. G1]

SUBJECT.....

.....

.....

Section Law

File No. 63.27

Serial No. 60

No. 7686 (L)

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To G. C. Gooding Esq.,
Solicitor to the Govt of
Bengal, Calcutta,

Date of issue 27/7/28

Signed by M. BN

Sir,

With reference to your letter
No: 648 dated 30th June 1928 regarding
the claim of the Government of Mysore
against Messrs. Berwick and Comeau,
I have been directed I am directed
to forward herewith the
power of attorney duly executed
by the Chief Secretary to the
Government of H. H. the Maharaja
of Mysore. The Comptroller
has been requested to remit

List of enclosures.....

Copied by

Examined by

over

WD 0325—GPB—30,000—26-5-27

No. P.B./774.

FROM

G. C. GOODING, ESQ.,

Solicitor to the Government of Bengal.

Law 63.27 M

TO

The Secretary to the Govt. of H. H. the
Maharajah of Mysore,
Law Department,
Bangalore.

Calcutta, dated the 1st August *19* 28

SIR,

Re: Beruck & Comens.

I have the honour to acknowledge the receipt of your letter No. P.686(1)/Law dated the 27th July last and the Power of Attorney in connection with this claim.

The firm have yesterday paid Rs.1,500/- on account towards the claim and I have intimated to them that unless the balance of the claim is paid in course of this week, the suit will be filed without further notice.

I have the honour to be,

Sir,

Your most obedient servant,

Solr: to the Govt. of Bengal.

Solicitor, Govt. of Bengal, 1.
A.C.J.P.—A 1770—1927-28—1,200

POSTS TELEGRAPHS.

O. PG. CALCUTTA 13 26

LAW SECRETARY MYSORE GOVERNMENT BANGALORE

PLEASE SEND COPY DOCUMENT AUTHORISING CHIEF SECRETARY TO

SUE ON BEHALF OF MAHARAJAH UNDER SECTION EIGHTYFIVE

CIVIL PROCEDURE CODE

KESTGOOD

6/25

This form must accompany any enquiry respecting this teleg

MGIPAh.—4-9-26.

A. P. F. VI. G1]

SUBJECT.....

.....

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Section Law

File No. 63.27

Serial No. 14

No. 1186

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To G. C. Gooding Esqr.
Solicitor to the Govt of
Bengal, Calcutta

Date of issue 20/8/28

Signed by M. Ross

Sir,

I am directed to acknowledge the receipt of your telegram of the 13th instant and the letter of the same date confirming the telegram. The matter is engaging the attention of Government and a reply will be sent to you in a few days. ~~due course~~.

I have etc

List of enclosures.....

Copied by H.G. 20/8

Examined by .....

over for Secretary to

WD0325—GPB—30,000—26-5-27

Govt

18/8/28

No. G/P.B./815.

G. C. GOODING, Esq.,
Solicitor to the Government of Bengal.

Dtg- 63.27.13

To

The Secretary to the Government of H.H.Maharajah of Mysore,
Law Department,
Bangalore.

Calcutta, dated the 13th August 1928.

SIR,

Re: Messrs. Beruck & Comens

I have the honour to acknowledge the receipt of your Government's Pay-order upon the Imperial Bank for the sum of Rs.300/- on account of Counsel's fees and other disbursements and enclose my receipt for the same.

In framing the Plaint the point has arisen as to how the State sues.

I understand suits are usually instituted by the State in the name of Mr. Madhow Rao, Chief Secretary, from whom my firm hold the Power of Attorney sent but the Power does not recite the -- authority under which the Chief Secretary granted this Power of Attorney as required by the Civil Procedure Code. I have therefore this day wired you as follows :-

"Please send copy document authorising Chief Secretary to sue on behalf of Maharajah under Section 85 Civil Procedure Code."

I have the honour to be,
Sir,
Your most obedient servant,

Solr: to the Govt. of Bengal.

Enclo:

Solicitor, Govt. of Bengal, 1.
A.C.J.P.—A 1770—1927-28—1,200

No. 70

Calcutta, 13th August 1928.

Received from The Comptroller, Mysore Govt. Bangalore.
the sum of Rupees Three Hundred only, by draft on
Imperial Bank of India, Calcutta, vide 16/137 dt. 9-8-28
on account of Counsel Fees and other disbursements
in connection with the filing of a Suit against
Messrs Berrick & Councils, as per their memorandum
of payment no: N.T.1058
270A.

Rs. 300/-

Solicitor to the Government of Bengal.

No. 801 224 dated 03.07.15

To 8 & 22-8-1928

The Secretary to the Resident
in Mysore, Bangalore.

Sir,

I am directed to state that Messrs. Beruck and Comens, 30 Strand Road Calcutta having purchased a certain quantity of Tool Steel from the Mysore Government through the Stores Purchase Committee and failed to pay for it in full in spite of repeated demand, a suit has to be filed against them for the recovery of the balance.

In the Mysore Courts the Chief Secretary to the Government acts as their recognised agent in such cases. But he cannot do so in the present instance as the suit has to be filed in the proper Court in Calcutta. I am therefore to request that the Government of India may kindly be moved to issue necessary orders as early as possible to enable him to be treated, by virtue of his office, as the recognised agent of His Highness the Maharaja in such suits, by the Courts in British India under Section 85 of the Code of Civil Procedure.

I have etc.,

Secretary to Government
Law Department.

c.n.

A. P. (F) VI. G1]

SUBJECT.....

.....

.....

Section Law

File No. 63 27.

Serial No. 16

No. P 1177

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

To G. C. Gooding Esqr.
Solicitor to the Government
of Bengal, Calcutta,

Date of issue 25/8/28

From B. Narasimha Iyer Barrister
Legal Remembrancer & Secretary to Govt
Law Dept.

Signed by

Sir,

In Continuation of this Office
letter No: P 1186 dated 20th
August 1928, I am directed
to inform You that the Hon'ble
the Resident in Mysore has
been requested to move the
Government of India to issue
necessary orders as early as
possible to enable the
Chief Secretary (the Govt of Mysore
to be treated,
by virtue of his office,

List of enclosures.....

Copied by .....

Examined by .....

over

WD0325—GPB—30,000—26-5-27

as the recognised agent of
His Highness the Maharaja
by the Courts in British
India under section 85
of the ~~Civil~~ Code of Civil
Procedure.

Thanks

Sd
Secretary to Govt.
New Delhi

On
Dep
23-8

1046
p 824

No. G/P.B. 892.

Law 63.27.17

FROM

G. C. GOODING, Esq.,

Solicitor to the Government of Bengal.

To

The Legal Remembrancer & Secretary to the Govt. of Mysore,
Law Department, Bangalore.

Calcutta, dated the 29th August *1928.*

SIR,

Re:- Beruck & Comen..

I have the honour to acknowledge the receipt of your letter No.P1277/Law dated the 25th August last and have noted its contents.

The High Court here rises on the 13th September next for the vacation and re-opens on the 26th November next. The Plaint will therefore be filed on the re-opening of the Court, if payment of the balance of the claim is not in the meantime made.

I have the honour to be,

Sir,

Your most obedient servant,

Solr. to the Government of Bengal.

Solicitor, Govt. of Bengal, 1.
A.C.J.P.—A 1770—1927-28—1,200

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 9027 Enc. 1

464-1928.

1406/28 P 828

14127

CB 1256

From

A. C. Lothian, Esquire, I.C.S.,
SECRETARY TO THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department.

Dated Bangalore, 24th September *192* 8.

GEN. & REV. SECTT. BR. 25. SEP. 1928 G. D. SECTION.

Subject.

Appointment of the Chief Secretary to the Mysore Government to act on behalf of His Highness the Maharaja of Mysore in suits in the Courts in British India.

Sir,

With reference to your letter No. Pol.224/P., dated the 22nd August, 1928, I am directed to forward a copy of the certificate granted by the Government of India empowering the Chief Secretary to the Mysore Government to prosecute or defend suits on behalf of the Mysore Government in any of the Civil Courts in British India.

I have the honour to be,
Sir,
Your most obedient servant,

Captain.
for SECRETARY TO THE RESIDENT.

ASB

C E R T I F I C A T E.

In exercise of the powers conferred by section 85 of the Civil Procedure Code, 1908 (Act V of 1908), the Governor General in Council, at the request of His Highness the Maharaja of Mysore, communicated through the Hon'ble the Resident in Mysore, is pleased hereby to appoint the Chief Secretary to the Mysore State to prosecute or defend all such suits as it may from time to time be necessary to prosecute or defend, on His Highness' behalf, in any of the civil courts in British India.

Sd/- W.G. Neale,

For Political Secretary to the Government of India.

Foreign and Political Department,
SIMLA, the 17th September 1928.

' C O P Y '

APP. F. VI. Gl.]

SUBJECT.....

.....

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Section Law

File No. 63-27

Seria No. 10

No. 2003(4)

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

To G. C. Gooding Esquire
Solicitor to the Govt of
Bengal, Calcutta.

Date of issue 2/10/28

Signed by

Sir,

In continuation of this office letter No: P.1277 dated 25th August 1928 regarding the filing of a suit against Messrs Berner and Comens, I am directed to forward herewith a Copy of the Certificate granted by the Government of India under section 86 of the Code of Civil Procedure, empowering the Chief Secretary to the Govt of Mysore to prosecute or defend suits on behalf of His Highness

List of enclosures.....

Copied by 2/10

Examined by.....

over

WD 0562—GPB—31,000—17-8-25

1630
P 928

No. D. 1010.

FROM

G. C. GOODING, Esq.,

Solicitor to the Government of Bengal.

Law 63.27.20

To

The Secretary to the Government
of His Highness the Maharaja -
of Mysore, Law Department,
BANGALORE.

Calcutta, dated the 4th October *19*28.

SIR,

Beruck & Comens.

I have the honour to acknowledge your letter - No. P 2003(1) Law dated the 1st instant with its enclosure. The purchasers have not yet paid the balance to me, nor apparently to the Stores Purchase Committee. I have written to them again threatening steps.

I have the honour to be

Sir,

Your most obedient servant

Solr.to the Govt.of Bengal.

Solicitor, Govt. of Bengal, 1.
A C.J.P.—A 1770—1927-28—1,200

1772
P 828

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 740 Books E/ Bangalore, dated 12th October 1928.

From

S. SHAMANNA, Esq., B.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
BANGALORE.

Law 63.27.21

To

B. Nagappa, Esq., Bar-at-law.,
Secretary to the Government of Mysore,
Law Department and Legal Remembrancer
to Government, Bangalore.

W/ 18/10 Law 16/10

Sir,

In forwarding herewith copy of D.O.letter No.4116 dated 8th October 1928 from the Secretary, Stores Purchase Committee, to Mr. A. N. Raghavachar, Deputy Comptroller, in regard to the recovery of £247-1-5 from Messrs. Beruck and Comens, I have the honor to request you to kindly intimate how the matter stands at present

I have the honor to be,
Sir,
Your most obedient servant,

S Shamanna

Comptroller.

LSR

Copy of D.O.letter No.4116 dated 8th October 1928, from the Secretary, Stores Purchase Committee, Bangalore, to the Deputy Comptroller in Mysore, Bangalore.

Tools Steel.

With reference to your D. O. No.664 Books dated 4th October 1928, I am desired to inform you that the question of recovering the dues of £247-1-5 from Messrs. Beruck and Comens is in the hands of Government and that you may kindly address the Legal Remembrancer to Government in the matter.

Superintendent, Records Section,
Comptroller's Office.

8/13 15/40

MSR

Appendix F G—1

SUBJECT.....

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Section Loan

File No. 60.27

Serial No. 22

C No. P 102

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

To

G.C. Gooding Esqre

Solicitor to the Govt of Bengal, Calcutta.

Date of issue 20/10/28

Signed by M.N. Seetharama Ayya

Sir,

With reference to your letter this circle ending with No: D.1010 dated 4th October 1928 ~~regarding the Govt filing of a suit against Messrs Binack and Comens of Calcutta,~~ I am directed to request ~~state~~ ~~You~~ that the ~~account~~ sum of Rs 1500/- paid by Messrs Binack & Comens of Calcutta ~~the firm~~ in part satisfaction of the debt may ~~be~~ kindly be credited ~~into~~ in the Imperial Bank of India at Calcutta to the ~~Credit~~ ~~Dewan's~~ Deposit account of the Dewan of Mysore with the Imperial Bank at Bangalore.

I have etc

List of enclosures.....

Copied by.....

Examined by.....

over

WD 0399—GPB—20,000—18-9-28

M
for Secy to Govt
Law Dept

Dft 28/10/28 Typ 28/10/28

2028
P 328

No. 1058.

FROM

G. C. GOODING, ESQ.,

Solicitor to the Government of Benga

Gr 13.27.23

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department,
Camp Mysore,

Calcutta, dated the 8th.Novr. *19* 28.

Gr 14/11
Law
14/11

SIR,

Beruck & Comens.

With reference to your letter No.P 102/Law of the 30th October last, I have the honour to inform you that I have sent to-day to The Imperial Bank of India, Calcutta, Rs.1,500/- with instructions as contained in your letter and have also requested them to inform you that they have done so.

I have the honour to be
Sir,
Your most obedient servant,

Solicitor to the Govt. of Benga.

Solicitor, Govt. of Bengal, 1.
A.C.J.P.—A 1770—1927-28—1,200

Appendix F G—1

SUBJECT.....

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Section Law

File No. 63-27

Serial No. 25

Diary No. of letter replied to.....

No. 1374

General and Revenue Secretariat

( )

the *192*

To

G. C. Gooding Esquire
Solicitor to the Govt of
Bengal, Calcutta

Date of issue..... 18/4/28

Signed by .....

Sir,

Berwick and Conveno

I am directed to request you
to be so good as to intimate
~~enquire~~ what further steps
have been taken ~~by you~~
to recover the balance of
the amount due to the
Government of Mysore by
Messrs Berwick and Conveno.

List of enclosures.....

Copied by.....

I have etc

Examined by.....

Secretary to Govt
over Law Dept

WD 0399—GPB—20,000—18-9-28

17.1.29

17/1

3217
p 828

No. 98.

FROM

G. C. GOODING, Esq.,
Solicitor to the Government of Bengal.

To

The Secretary to the Govt. of H.H. the Maharajan of Mysore,
Law Department,
Mysore (S.India).

Calcutta, dated the 18th Jany. *1929.*

SIR,

Beruck & Comens.

I have the honour to inform you that today I have obtained a decree by consent for Rs.1,980-12-7 with costs on Scale No.I and interest on the decree at 6% per annum. The judgment debtors have approached me for time to pay by -- instalments of Rs.250/- per month and also to be excused interest included in the decretal amount, this amounting up to 30th November to Rs.694-11-9. This is calculated at 9 per cent. though I doubt whether if disputed the Court would have allowed more than 6%. I shall be glad to have your instructions as to execution or otherwise.

I have the honour to be,

Sir,

Your most obedient servant,

Solr. to the Govt. of Bengal.

Solicitor, Govt. of Bengal, 1.
A.C.J.P.—A 277—10-9-26—2068—1,200

No.P 4027/Law 63-27

D 31/1/29.

63-27-27

To

G.C. Gooding Esq,

Solicitor to the Govt. of Bengal,

Calcutta.

Sir,

With reference to your letter No.98 of 18th January 1929 regarding the decree by consent passed against Messrs.Beruck and Comens, I am directed to state that the Mysore Government are not prepared to show any consideration beyond reducing the interest to 6 per cent from the date of the decree if the judgment debtors pay the full amount due under the decree, including costs, within a period not exceeding two months at the outside. If the judgment debtors do not consent to these terms, I am to request you to be so good as to take ~~the necessary~~ early steps to execute the decree without delay. The amount realised may kindly be credited in the Imperial Bank of India, Calcutta, as indicated in this office letter No.P.102 dated ---- --- ------ 1928.

I have etc.,

D. M. 30/1.

Legal Remr. and Secy.to Govt.
Law Dept.,

TD